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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

GURBAX SINGH CHANDI,	)	No. C 05-1236-MMC
	)	
Petitioner,	)	<b>STIPULATION TO HOLD CASE IN</b>
	)	<b>ABEYANCE; ORDER THEREON</b>
v.	)	
	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland Security;	)	
CHARLES DEMORE, District Director,	)	
Immigration and Customs Enforcement;	)	
NANCY ALCANTAR, Field Office	)	
Director, Immigration and Customs	)	
Enforcement; and ALBERTO	)	
GONZALES, Attorney General of the	)	
United States,	)	
	)	
Respondents.	)	

The petitioner, by and through his attorney of record, and respondents, by and through their attorneys of record, hereby stipulate to hold the above-captioned case in abeyance because, on April 22, 2005, the United States Immigration and Customs Enforcement (formerly, the Immigration and Naturalization Service) filed a motion with the Board of Immigration Appeals (BIA) to reopen the petitioner's removal proceedings and to remand to the Immigration Court in light of the fact that the petitioner's January 15, 2002 conviction for Receiving Stolen Property in violation of California Penal Code § 496 was recently vacated

on constitutional grounds. If the BIA reopens the petitioner's removal proceedings and remands to the Immigration Court, the claims raised in the petitioner's Petition for Writ of Habeas Corpus may be moot.

The parties will promptly notify this Court of the outcome of the United States Immigration and Customs Enforcement's motion to reopen and remand and, if the matter is reopened and remanded to the Immigration Court, of the outcome of those proceedings.

The respondents agree not to remove the petitioner from the United States until further order of this Court.

Date: April 25, 2005

Respectfully submitted,

KEVIN V. RYAN  
United States Attorney

/s/  
EDWARD A. OLSEN<sup>1</sup>  
Assistant United States Attorney  
Attorneys for Respondents

Date: April 25, 2005

/s/  
JAMES TODD BENNETT  
Attorney for Petitioner

# **ORDER**

Pursuant to stipulation, IT IS SO ORDERED. The parties shall file a joint status report no later than August 26, 2005.

Date: April 27, 2005

/s/ Maxine M. Chesney  
MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup>I, Edward A. Olsen, attest that both Attorney Bennett and I have signed this stipulation and will produce the original signed copies upon request.